

First, I am concerned that the contraceptive mandate included in the Treasury/Postal Appropriations bill is a precedent setting attempt to mandate coverage of abortifacients that have been approved—or will be approved in the future—by the Federal Food and Drug Administration.

Second, I am concerned that this mandate constitutes an attempt to eventually force providers who have either a moral or religious objection to abortion services to provide those services, or lose the ability to provide health care within the Federal Employee Health Benefit Plan. The FEHBP mandate does not have adequate conscience clause protection for sponsors of health plans and individual providers who are opposed to providing such drugs and devices. Conscience clause protection for individual providers needs to be clarified to protect any health care provider, including but not limited to physicians, nurses and physician assistants who object to providing these drugs or devices on the basis of religious beliefs or moral convictions.

Third, this misnamed “contraceptive” mandate is being used to help “mainstream” abortifacient drugs to which many health professionals, pharmacies, and patients have serious objections. It reduces federal employees’ freedom to choose the health benefits they want; ignores health plans’ potential moral objections; and increases pressure on health professionals to ignore their own conscientious convictions. All of this, ironically, is done in the name of “freedom of choice.”

Fourth, I do not believe that the federal government should issue healthcare mandates. Mandating the FEHBP providers cover contraceptives as part of their health plan constitutes the first time in the history of the FEHBP that Congress has issued a mandate on a coverage.

Fifth, I am also concerned that this may be the first step by some in Congress to issue a similar mandate on private insurers. Such a mandate on private insurers will drive up costs and lead to uninsurance at the margins.

Therefore, because of the inclusion of this provision in the conference report I voted “no.”

#### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT—Continued

##### CHANGE OF VOTE

Mr. AKAKA. Mr. President, I ask unanimous consent to be recorded as voting “nay” on yesterday’s rollcall vote No. 274 related to the germaneness of a provision in the Shelby substitute amendment to H.R. 2084, the fiscal year 2000 Transportation appropriations bill. This will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I am eager for this bill to be complete. I don’t intend to offer an amendment, but I would like to say a couple of words.

I am somewhat taken by the fact that suddenly the Senate is made up of numerous Members who want to run the airlines. We have undertaken tremendous efforts to be elected to the Senate. In doing so, we have taken up a high calling. We have a responsibility in American Government.

But for some reason, yesterday and today, all of a sudden Members of the Senate have decided we ought to take it upon ourselves to tell the airlines in the United States how they ought to be run, and we want to do it without the inconvenience of having to go out and invest billions of dollars.

My point is a very simple point. That is, for some reason—I don’t know if it is the weather, the change in the barometric pressure, whatever—suddenly Members of the Senate have become experts in running airlines, all without the inconvenience of having to go out and raise money or invest their own money and without the inconvenience of having to take responsibility if their plans go bad.

My basic view is that we have good airlines in America. All of us have had bad experiences on airlines: The weather went bad. We have had experiences where we bought a cheaper ticket and would have liked to have flown on a different flight. We wanted a cheap fare, but it would have been nice had they let us fly on the other flight.

The point is, we deregulated the airlines. We have benefited from a dramatic decline in the cost of air transportation. Millions of average Americans have moved out of the bus station and into the airport. Now all of a sudden it has become the popular mania in the Senate to want to start having the Congress—in this case, the Senate—run the airlines. I just didn’t want it all to pass without making some comment on it.

I thank the Chair for the time.

##### AMENDMENT NO. 1679

(Purpose: To make available funds for the monitoring and reporting on the transfer of passenger air transportation tickets among airlines)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk on behalf of Senator DASCHLE, Senator WYDEN, and myself.

The PRESIDING OFFICER. Without objection, it is in order for the Senator to submit the amendment on behalf of the minority leader. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for Mr. DASCHLE, for himself, Ms.

LANDRIEU, and Mr. WYDEN, proposes an amendment numbered 1679.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, line 22, before the period at the end of the line, insert the following “: *Provided*, it is the sense of the Senate That the funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which air carriers and foreign carriers deny travel to airline consumers with non-refundable tickets from one carrier to another, including recommendations to develop a passenger-friendly and cost-effective solution to ticket transfers among airlines when seats are available.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I think my good friend, the distinguished Senator from Texas, might be referring to me and others, but I assure him that I have no intention of trying to run an airline. I am challenged at this moment to run my office. I am trying to do a good job at that and to represent the 4.5 million people who live in my State, which is the job of all Senators.

I come to the floor with great humility. The last thing I want to do is run an airline. I think the deregulation of the airlines has brought great benefits to our Nation and to this industry. I have no intention at all of moving the clock back.

I do think—because so many people now, and growing by leaps and bounds, use air travel in our Nation and the world to conduct their business, which is very dependent on the efficiency of the system, and because this is a very important industry in our Nation, and because the Senate is responsible for giving guidance to many industries—that my amendment is most certainly appropriate.

I have asked it to be a sense-of-the-Senate amendment to ask for a study to be done this year that would ask the airlines to find a cost-effective way and a passenger-friendly way for the transfer of tickets between airlines to facilitate the convenience of our constituents who live in Texas and in Alabama and Louisiana and Montana and Ohio and Hawaii and all of our States—and in Kansas, particularly in Kansas, right in the middle there, people need to get out and about around.

I thank the Chair for the opportunity to present this sense-of-the-Senate amendment. I am sorry if there are others who will object, but I think it is an important amendment. I offer it in serious fashion for the Senate’s consideration.

Senator GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I do object to this amendment.

Here is the issue in a nutshell. It happens all the time. Someone buys a discount ticket. They get a lower price. They get a lower price because they commit that they are going to use that ticket on that day and they are going to use it as a through ticket. If it is round trip, they commit they are going to use it going and coming.

What happens is, they get to the airport early. They find out there is another flight going exactly where they want to go that is getting there an hour earlier. So they go to that other airline and say: Will you take my excursion ticket or my discount ticket? The airline says: Yes, we have an empty seat; we would like to have the money. But they go on to say: The airline you bought the discount ticket from does not allow us to take this excursion ticket.

Now, why is that? Basically when they entered into a contract with the airline, they got the discount fare because they committed to fly on that plane on that day.

Now, they could have gotten a ticket that would have allowed them to change airlines, but they would have had to pay a higher price for it. Many people agonize constantly when they go on vacation and buy a discount ticket and have to lock in those tickets in advance. It can be misery wondering whether or not you are actually going to be able to leave that day. But the point is, the reason you are getting the lower rate is you are committing to use the full ticket.

So the original way the amendment was written is subject to rule XVI. The amendment was not filed at the desk prior to the deadline. I don't doubt anybody's intention, but it is not the sense of the Senate—at least this part of the Senate—that we ought to be getting into the business of trying to tell airlines how their ticket structure should be made. If you don't want to buy a discount ticket, don't buy it. But the idea that we are going to set up a study where we are going to have the Government recommend to Congress, and we are going to begin to try to change laws that say you can have a discount fare, and then you can do things that the discount fare is not based on, that violates the contract.

The contract you entered into with the discount ticket is a contract, whereby you agreed you are going to use that ticket on that day or you are going to lose it. It might be convenient to change the day. It might be convenient to fly on another airline, which would mean that the airline you entered into the discount fare with would lose their half of the fare to another airline. But the point is, that is a violation of the contract. I don't need the Government to study whether or not we ought to abrogate private contracts.

Therefore, I object to this amendment.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana—is the Senator making a point of order against the Senator's amendment?

Mr. GRAMM. I am. It was not timely filed at the desk.

The PRESIDING OFFICER. The Senator from Louisiana asked unanimous consent to offer her amendment on behalf of the distinguished minority leader, who does have a reserved amendment under the agreement. The Senator's amendment is a sense-of-the-Senate amendment. Therefore, it is not legislation; as such, rule XVI does not apply.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### A PILOT SHORTAGE

Mr. BURNS. Mr. President, I want to bring before the Senate my observations of a hearing that we held in Montana last Friday. It had to do with a pilot shortage in this country, something we have heard very little about but which some of us are quite concerned about.

The hearing examined the impending problem. After the hearing was over, I will say it is moving from impending to maybe an acute pilot shortage, with the factors that contribute to that possibility. I think the results of that hearing are very serious. I think it is certainly serious to the citizens of Montana and rural States on routes not heavily traveled.

Now, because the national economy has done fairly well, we have seen a tremendous expansion in airlines, the major airlines—the “transcons,” we call them. When business is good, they expand. Of course, expansion means hiring more pilots at almost record numbers, it seems. That creates a problem because pilots who start to work for the majors usually are drawn from the pool of pilots who fly for the local service or regional airlines.

Now, what happens when these pilots are taken up? Regional and local service carriers get caught with fewer pilots, and that means, more times than not, canceled flights. We always wonder why they cancel a flight. Sometimes it is because we are just short of pilots. If this continues, then it is routes such as we find in rural areas in Montana that suffer—some of those routes might even be abandoned. So it doesn't take a doctorate in economics

to figure out that the flights and routes that are canceled in these situations are those that are the least profitable; and the sad part, the less profitable a particular route tends to be for an airline, the more important it tends to be for the people who live in that region.

As you know, Montana is a very large State. I was struck the other day that in a new route that had been put in, nonstop, from Missoula, MT, to Minneapolis, MN, the flying time is 2 hours 5 minutes, and the first hour is all spent in Montana. So we understand distances. If a regional airline is the only carrier serving a particular community and it cancels that route, what are the residents of that community supposed to do then? Air service is an essential lifeline to many individuals and communities. In fact, we have communities that are essential air service communities that have no buses and they have no rails. There is no public transportation, other than the local service airline. So our participation in the EAS, the essential air service program, has been a solution to that issue in the case of smaller, isolated communities, but it is jeopardized by operators who want to operate the routes but we have a shortage of pilots.

Now, we talk about this business of the major airlines, and services, and the rights of passengers. Let's take a look at some of the basic problems. Maybe some of those problems are because of us. Who knows?

Historically, the military has always supplied many pilots to the industry. But a large number of pilots who were trained by the military during the Vietnam era are getting to the point where they have to retire because of Federal regulations.

Since the 1950s, airline pilots have had to retire when they reached the age of 60. I will tell you that some pilots aren't ready to retire at the age of 60. In fact, some pilots shouldn't be retired at 60. They are still able, physically fit, and mentally fit to fly airplanes past that age of 60. The age of 60 does not affect everyone the same way. In fact, I was thinking the other day that 65 doesn't sound nearly as old as it used to. But some pilots are fit enough to keep on flying.

I understand there is great opposition to changing that rule until I look around the world and see what is happening when we have pilots flying major airlines in American airspace that have no age limit at all. Eight countries that fly into and connect into the United States have no age limit at all. In other words, if that pilot is 65, and fit mentally and physically, he still is a captain of that airplane. I think we have to take a look at that.

Also, I find it disturbing that the Federal Government can apply a blanket regulation, such as the age of 60